

**Minutes  
Bar Harbor Planning Board  
Wednesday, September 19, 2018  
Council Chambers- Municipal Building  
93 Cottage Street  
4:00 P.M.**

**I. CALL TO ORDER**

*The meeting was called to order at 4:00 PM. Members present: Tom St. Germain, Chair; Basil Eleftheriou, Jr, Secretary; John Fitzpatrick, Member; Alf Anderson, Member; and Joseph Cough, Vice Chair.*

*Also present: Janna Richards, Planning Director; Angela Chamberlain, Code Enforcement Officer; and Catherine Leatherman, Administrative Assistant.*

**II. ADOPTION OF THE AGENDA**

*Mr. Cough moved to approve the agenda as submitted. Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.*

**III. EXCUSED ABSENCES**

*There were no excused absences.*

**IV. PUBLIC COMMENT PERIOD**

*There was none.*

**V. APPROVAL OF MINUTES**

**a. September 5, 2018**

*Mr. Fitzpatrick moved to approve the minutes as submitted. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.*

**VI. REGULAR BUSINESS**

**a. Sketch Plan Review: SD-2018-03 – Major Subdivision**

**Project Location:** Silent Stream Way, Bar Harbor Tax Map 220, Lot 061-003

**Applicant:** Steven Ciciotte

**Application:** The applicant is proposing to subdivide a 3.51-acre lot into two separate lots of 1.75 acres.

*Mr. Ciciotte provided a brief explanation of the proposed subdivision. It was noted that Mr. Ciciotte submitted all requirements for sketch plan review and that he is in the process of completing a formal survey and soil test pit locations, both of which would be submitted for the completeness review meeting, and working on proposed test pits for two sites.  
Mr. St. Germain opened the floor for public comment. There was no public comment.*

*Staff and the Board discussed that the next step in the process would be to schedule a site visit before the Completeness Review meeting.*

*Mr. Fitzpatrick moved to accept the waiver requests as submitted for application SD 2018-03. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.*

*Mr. St. Germain informed the applicant that Ms. Richards would set up a site visit. Mr. Fitzpatrick reminded the applicant that the survey would need to be completed for the Completeness Review meeting.*

**b. Sketch Plan Review: SD-2018-02 – Major Subdivision**

**Project Location:** 25 White Spruce Road, Bar Harbor Tax Map 110, Lot 038

**Applicant:** Robert Rechholtz

**Application:** The applicant is proposing to subdivide a 40,000 square foot lot into two separate lots of 20,000 square feet, and to connect the two lots to the Town sewer.

*Mr. Cough recused himself from this agenda item and left the room.*

*Mr. Rechholtz provided an explanation of the proposed subdivision, indicating that he is proposing to connect both lots to Town sewer. Mr. Fitzpatrick clarified with the applicant that the lots would connect to town sewer, but not town water, and that both lots would be serviced by wells.*

*There was a discussion between the Board and staff about the road frontage exemption standard that is being proposed as part of this subdivision. It was noted that the applicant would need to show a 30-foot easement with a driveway on the survey/subdivision plan to the newly proposed lot.*

*Mr. St. Germain opened the floor for public comment. There was no public comment.*

*Mr. St. Germain informed the applicant that the staff would set up a site visit as the next step before the Completeness Review meeting.*

*Mr. Fitzpatrick noted the following modifications to the applicant's waiver requests:*

- 1. Item 6c – add to the list of waiver requests.*
- 2. Item 7c – add to the list of waiver requests.*
- 3. Item 9i- remove from the list of waiver requests.*
- 4. Items 9r, 9s & 9w - add to the list of waiver requests.*

*Mr. Fitzpatrick moved to approve the waiver requests with the afore mentioned modifications for application SD-2018-02. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.*

**c. Continuation of a Sketch Plan Review: PUD-2017-02 – Planned Unit Development - Village**

**Project Location:** 25 West Street Extension, Bar Harbor Tax Map 103, Lots 048-000 & 049-000

**Applicant:** BH Apts., LLC

**Application:** The applicant is proposing to construct four new buildings with two dwelling units in each and to reconfigure the existing dwelling layout.

*Mr. Cough rejoined the Board.*



*With no project representatives present, Mr. Fitzpatrick moved to table the application until the next meeting, on October 3, 2018. Mr. Eleftheriou, Jr. seconded the motion. Staff informed the Board that the applicant was on their way to the meeting. Mr. Fitzpatrick withdrew his motion to table the application.*

*The Board discussed the ethics ordinance and the Island Housing Trust study while waiting for the applicant's arrival.*

*Mr. Moore explained that the applicant was before the Board to discuss a modification to a setback requirement. The applicant submitted a rendering that includes the building-to-building setback modification to help the Board visualize the scale of the proposed buildings to each other and to the public. Mr. Moore also addressed the screening buffering between the subject property and the abutting property to the east.*

*There was a discussion about the number of units that would need to be designated as affordable if the applicant chose to use that standard to go above the base development density amount of 9 to reach 16 or 18 units. The Town's attorney had provided his interpretation of the number of units that would need to be designated as affordable based on the applicable section of the Planned Unit Development – Village ordinance.*

*There was further discussion about the modification to the setback. It was explained that the applicant is seeking a building-to-building setback modification, but that if the Board was not inclined to grant the building-to-building setback, that the applicant would then request a modification to the front building setback in order to layout the buildings as proposed on the property. It was also noted that there was a change in the layout of one of the proposed buildings closest to West Street Extension in that previously it was shown as being parallel to West Street and that it was currently being shown as perpendicular to West Street Extension. There was also clarification that the front setback in the zoning district is 20 feet, not 25 feet.*

*The Board and the applicant discussed potential layout options for the buildings that would make the most sense given the setbacks and the site, both internally and externally in relation to abutting properties. Mr. Fitzpatrick requested that the applicant designate the buildings through some sort of numbering system on future plan submittals for clarification purposes.*

*Ms. Richards suggested that the Board, in determining whether or not to grant a modification, could look to the purpose and intent of the chapter to ensure that the modification would support the purpose and intent. There was a discussion about whether the Board was to look at the purpose and intent of the PUD-1' section or the purpose and intent of the chapter (the Land Use Ordinance). Ms. Richards suggested that both the purpose and intent of the chapter and the section could be reviewed and considered.*

*Mr. Fitzpatrick indicated that he would be inclined to grant a modification to the building-to-building setback but that he would entertain other schematics for the building layout design. He added that buffering, noise control, lighting, and visual compatibility would be other consideration to incorporate into the design.*

*There was further discussion about the required number of affordable housing units to go from the base development density of 9 units to the applicant's desired 18 units. There was consensus amongst the Board that they would tend to follow the interpretation on the affordable housing unit standard provided by the Town's Attorney. There was also consensus amongst the Board that they*



*are willing to work with the applicant to modify the distance between the proposed buildings to encourage a building design layout that makes sense both internally and externally while meeting the purpose and intent of the ordinance.*

*The Chair opened the public comment period.*

*Mr. Julius Ridolfi came forward to express his concern about the amount of noise generated from the subject property and requested that the noise issue be addressed, possibly through the hiring of a security guard who would work at the property from the hours of 6pm to 6am.*

*Mr. Jeff Crafts came forward and disclosed that he is a professional engineer who has been hired by neighbors of the property. He expressed concerns about the proposed development being close to the eastern property line and also concerns about stormwater management. Mr. Crafts offered that he would like to discuss building layout and planning ideas with the applicant and with the Planning Board*

*Mr. Dennis Bracale came forward to express concern over the historic property abutting the proposed development. He inquired with Ms. Richards about the standards for historic properties found in the land use ordinance. Ms. Richards explained that the project was currently before the Board as a sketch plan, but that for Completeness Review one of the standards would require the applicant to include a letter from the Maine State Historic Commission.*

*With no one further coming forward, the Chair closed the public comment period.*

*Mr. Cough asked the applicant to explain the buffer between the proposed development and the historic property abutting to the east. Mr. Moore explained that shown on the most recent sketch plan is a conifer tree buffer and that a fence was not currently being proposed, but could be explored further.*

*Mr. St. Germain confirmed that the applicant had enough information to proceed to the Completeness Review meeting.*

## **VII. OTHER BUSINESS**

### **a. Pending Applications**

- i. Jones Marsh PUD-O
- ii. Hamilton Hill Subdivision

*Ms. Richards indicated that there were no updates on either pending application.*

### **b. Marijuana**

*Mr. St. Germain asked that this item be added to the agenda so that the Board could discuss their previous workshop on the topic, as well as the POLCO results on the topic, and determine if the Board should work on proposed amendments to the Land Use Ordinance in anticipation of an "opt-in" by the Council.*

*Board and staff discussion ensued and it was agreed that sufficient notice would be given by the Council for the Board to be able to development standards in the Land Use Ordinance.*

**c. Affordable housing**

*Ms. Richards provided the Board with a packet of information that could help the Board have a discussion on the definition of affordable housing. There was concern that the definition of affordable did not result in actual affordable rents/mortgages for those looking to rent/buy in Bar Harbor. After a discussion, Ms. Richards noted that she could put together a spreadsheet that shows the rent/mortgage for each of the income brackets (50%, 80%, 120%) and add a "140%" bracket to show the Board so that they may consider modifying the definition found in the Land Use Ordinance.*

**d. Dormitory**

*This item was not discussed in detail, but is covered in Section VIII below. Additionally, a workshop was proposed on this topic at the next scheduled Planning Board meeting, on October 03, 2018.*

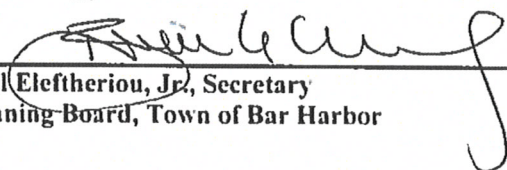
**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

*Mr. Fitzpatrick provided an explanation and description of a list of proposed land use ordinance changes that he had generated since the time he had been on the Board. It was determined that preparing proposed changes for group accommodations (including dormitories and rooming house) would be a priority and that the administrative changes could be worked on next. A workshop on group accommodations at the October 3, 2018 meeting was tentatively scheduled.*

**IX. ADJOURNMENT**

*Mr. Eleftheriou, Jr. moved to adjourn at 04:45pm. Mr. Anderson seconded the motion, and the board voted 5-0 to approve the motion.*

*Signed as approved:*

  
Basil Eleftheriou, Jr., Secretary  
Planning Board, Town of Bar Harbor

10-03-18

Date

Town of Bar Harbor, Maine  
Planning Board Meeting  
December 5, 2018

(Transcribed from Video Streamed Material)



1       at our first public meeting we had a lot of people that  
2       were here and were concerned, and they're not here  
3       tonight, and the reason they're not here tonight is  
4       because we met their concerns.

5               They didn't want us to have a building on the  
6       corner of West Street Extension and Woodbury Road  
7       because it was in front of their bedroom or their units.  
8       So we moved that building.

9               And if you look again at the two plans that are up  
10      on the wall, the footprint of what we have proposed now  
11      fits in the footprint of only the three buildings we had  
12      originally prepared. So we have essentially given up  
13      the footprint of one building, compacted it, and made it  
14      fit. Again, that's at your discretion but I argue that  
15      we did meet that.

16              And then (4), Infill Development. It's  
17      specifically allowing for growth for town services so  
18      pedestrian can access already exists. It's pretty clear  
19      but, again, that's your -- one thing I'll point to that  
20      is that there is existing sewer along the east property  
21      line that the Town put in place without an easement as  
22      part of this project. We're going to memorialize that  
23      easement.

24              And then it goes on to the intent as being, To  
25      encourage development where -- by offering financial

1       incentives, and the PUD-V seeks to provide for enhanced  
2       plan building by allowing greater freedom of design.

3             I think that gets to what we're talking about.  
4       Instead of having something that looks like a suburban  
5       cookie cutter development from someplace in the midwest,  
6       we've got something that mimics development, Bar Harbor.

7             Those of you that are familiar with Westcott Street  
8       and what used to be called Bar Harlem, we have a  
9       tradition in this town of having close dwelling units  
10      that relate to each other. That's not an unknown  
11      building type. It's infill and it's consistent with our  
12      community. But it's not the kind of thing that we  
13      normally think of when we look at new development. We  
14      think of the cookie cutter stuff we see when we fly  
15      across the country. That also applies to (2).

16            And (3), Undertaking Techniques which Foster  
17      Community and Pedestrian Access. Again, we got rid of  
18      the parking lot. This is -- these buildings are  
19      intended to be used by residents that use bikes or walk,  
20      so it's not just a passing thing. We're doing an active  
21      step to encourage the kind of stuff that Mr. Friedmann  
22      talked about earlier.

23            CHAIR ST. GERMAIN: All right. Do members of the  
24      board have questions about applicability of the purpose  
25      and intent with this project? Did anybody take the time



1       employment. We are close to the heart of downtown. I'm  
2       glad to hear that there's discussions with the Town  
3       regarding a sidewalk. I think that would improve  
4       immensely people's safe access to and from town.

5               Having driven for about a year on the detour at  
6       night coming home from work, it's amazing how many sharp  
7       lefts I've to take to avoid hitting people walking in  
8       the street. I'm glad we don't have to go that way  
9       anymore.

10              How far along in those discussions with Chip are  
11       you?

12              MR. SALVATORE: He and I spoke several times. He  
13       went and looked at the site. I know he's talked to  
14       Angie. We've pledged -- I say pledge -- I've offered to  
15       incorporate the concept in the future in the  
16       construction of this, as well as contribute to the  
17       portion in front of our property.

18              In other words, I'm not going put it in and then  
19       wait for the Town to connect the dots, but we're not  
20       going to put a basin or something in the way of what  
21       hopefully is a wider road with better -- much better  
22       pedestrian access.

23              For every one of our people that walk down there,  
24       there's 15 bike renters that are trying to walk up.  
25       It's a highway for pedestrians, for sure.

**BHAPTS  
EXHIBIT  
G**

Owner:  
BHAPTS LLC  
1000 Market Street Bldg 1  
Suite 300  
Portsmouth NH 03801

Magnetic North  
 North  
 North 67° W  
 67°

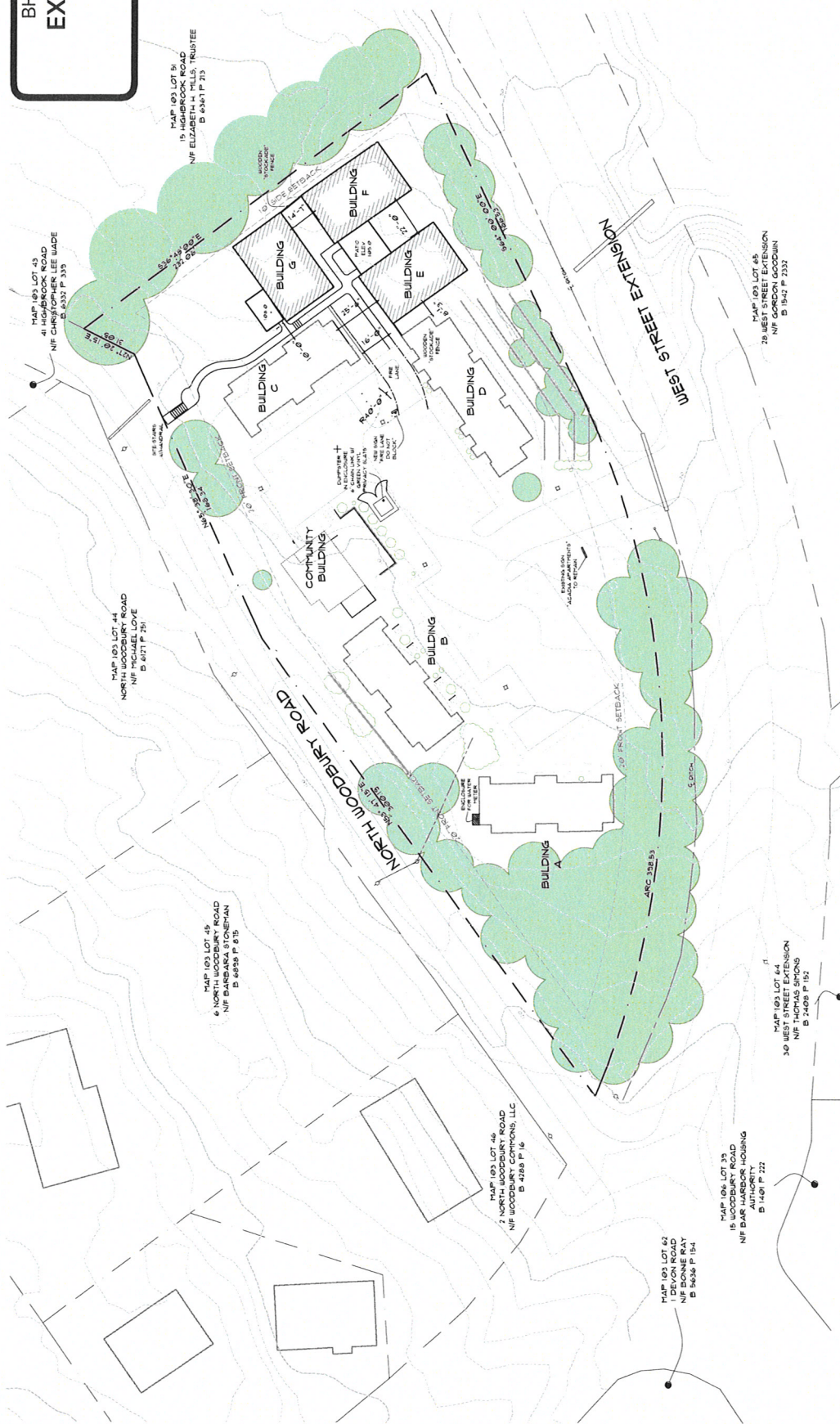
Map 103 Lots 048 and 049.

and/or simplification, portions of adjacent roads. The authors used surveying parameters, three surveyed curves prepared by Papp and Gray (1990), and two prepared by Ruppel, Morris, and Gribble (2010, 2014). The authors used the same data set for the 2014 study, but they also added data from the State of Maine GIS repository, which supplemented with field measurements for applications of planning areas in 2017 and to identify the locations of planning areas in 2018. The authors relied for the 2018 planning in 2018. The authors compared outcomes to regulations for any errors or omissions and may or may not be correct. In the independent acts of the

[illegible]

APPLICANT'S  
EXHIBIT  
9.1.2  
PROPOSED  
SITE PLAN

01.04.2019



Full Coverage Summary

Item	Existing Area (Square foot)	Proposed Area (square foot)
Buildings	9,119	14,716
Walks	4,436	5,797
Garage	833	1,665
Offices	13,944	13,944
Total Cost, Area	27,328	36,122
Total Cost/acre	85,134	85,334
Percent Increase	33.3%	43.3%

- eratic parcel is included in the proposal, so there will not be remaining undeveloped land.
- Woodbury Commons (corner of West Street Extension and Woodbury Road) is the last subdivision within 200'. It was approved in 1953.
- There are no subdivisions, lots, or lots with easements or forces of nature next on the property, forcing it to need to be subdivided as needed for community building.
- For clarity, some items are checked as more detailed plans are followed:
- Utilities, Easement
  - Landscaping, Buffering and Lighting, have been combined on a single 11

[illegible]

## ABBREVIATIONS

**ABBREVIATIONS**

BBA	BENCH MARK
CB	CATCH BASIN
CP	EDGE OF PAVEMENT
FX	FORGING
IR	INVERT
MB	MANHOLE
PL	PROPERTY LINE
PE	PERMITS
PP	REFERENCE POINT
SM	SEWER MANHOLE
TP	TYPICAL
VE	VERTICAL